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GUACANAGAE PONTIAC BLACK HAWK MONTEZUMA CAPTAIN PIE KLORUK GUAIMMOTZIN LOGAN ACAGAMTA POWHATAN CORNINANTE RIMITOLUREZ SAMOSET. BU JACKET COLORADAS THE RIMITOLUREZ SAMOSET. BU JACKET COLORADAS MONE PHILIP TICLUSSEN SITTIE FUSIEL LITTLE CROW MONE PHILIP TICLUSSEN SITTIE FUSIEL LITTLE CROW UNICAS OSCIOLA CHIEFOSEN TURVILLUSSEN SITTIE PUSIEL LITTLE SAUL HANDANEL SAMOMNEL SA

TO PERPETUATE THE HISTORY AND DEVELOPMENT OF THE PEOPLE REPRESENTED BY THE ABOVE CHIEFS AND WISE MEN THIS COLLECTION HAS BEEN GATHERED BY THEIR RIEND EDWARD EVERETT AYER

AND PRESENTED BY HIM TO THE NEWBERRY LIBRARY 1911





CONSTITUTION AND LAWS

of the

SAC AND FOX NATION.

Indian Territory.

THE CONSTITUTION OF THE SAC AND FOX NATION PREPARED BY
THE AUTHORIZED COMMITTEE AND ADOLTED
BY THE NATIONAL COUNCIL.

NATIONAL FREE PRESS.
No. 1108 E STREET, NORTHWEST,
Washington, D. C.
1887.



THE NEWBERRY

CONSTITUTION.

The constitution of the Sac and Fox Nation prepared by the authorized committee and adopted by the National Council:

The Sac and Fox tribes of Indians having united and become one body politic as long ago as the year 1894, under the style and title of the Sac and Fox tribe of Indians of the Mississippi, therefore—

We, the people of the Sac and Fox tribe of Indians of the Mississippi, in National Connectl assembled, in order to extend the thenefits of our National Government, as provided for in section 9, of our treaty with the United States proclaimed October 14, 3388; to establish justice, insure tranquility, promote the common welfare and secure to ourselves and our posterity the blessings of freedom—acknowledging with humility and gratitude the goodness of the Sovereign Ruler of the universe in permitting us so to do, and imploring Ilis aid and guidance in its accomplishment—do ordain and establish this Constitution for the government of the Sac and Fox tribe of Indians of the Mississippi, to be called and known as the Sac Axp Fox Xariox:

ARTICLE I

SECTION 1. The lands of the Sac and Fox Nation are those provided by the treaty of October 14, 1868, between the United States and the Sac and Fox tribe of Indians of the Mississipa, comparising 479,667 acres laying in the Indian Territory next ewent of the Crock Nation, the Cinarron river forming the north and the North Fork Canadian river the south lines the coff.

Sz. 2. The hauds of the Sac and Fox Nation shall remain common property, but the improvements made thereon and in posession of the citizens of the Nation are the exclusive and indefensible property of the citizens respectively who made or may rightfully be in possession of them. Procided, That the citizens of this Nation possession exclusive and indefensible right to their improvements, as expressed in this article, shall possess or right or power to dispose of their improvements whatever, to the United States, individual States, or to individual citizens thereof; and that whenever any citizen shall remove without the limits of this Nation with his effects and become a citizon of any other government, all his rights and privileges as a citizon of this Nation shall cease. Provided, were these, Thut the National Connell shall have power to read unit by law to all the rights of citizenship any such persons who may at any time desire to return to the Nation, on memorializing the National Co neil for such readmission. Provided, further, That nothing in this section shall be construed to include property right. Moreover, the National Council shall have power to adopt such laws and regulations as it may deem expedient and proper to prevent citizens from monopolizing improvements with the view of seculation.

ARTICLE II.

SECTION 1. The power of this government shall be divided into three distinct departments, the Legislative, the Executive, and the Judicial.

SEC. 2. No person belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases hercinafter expressly directed or permitted.

ARTICLE III.

Section 1. The legislative power shall be vested in a National Council, and the style of their acts shall be: Be it enacted by the National Council.

SEC. 2. The National Council shall consist of five membersfrom each band, to wit: The treaty chiefs and two councillorseach, of their own choosing, and two additional members from each band, to be elected or selected by each band respectively, the counciliors chosen and the last mentioned members to beelected as may be provided by law; each shall serve a term of two years.

SEC. 3. The National Council shall, after the present year, beheld annually, to convene on the first Monday in October, at such place as may be designated by the National Council, or, in case

of emergency, by the principal chief.

SEC. 4. The first election for all officers of the government-Principal and Assistant Principal Chiefs, Executive Council, members of the National Council, Judges and Steriffis—shall be held at Sac and Fox Agency before the rising of this Council, and the term of service of all officers elected shall be extended to embrace the time intervening from their election to the first Monday in October, 1886.

SEC. 5. No person shall be eligible to a seat in the National Council but Sac and Fox male citizens who shall have attained

the age of twenty-five years.

SEC. 6. The members of the National Council shall in all cases, except those of felony or breach of the peace, be privileged from arrest during their attendance at the National Council, in going to or returning therefrom.

SEC. 7. All officers of this Nation shall be elected by the National Council every two years, except as hereinbefore provided, as to the members of the National Council, immediately

after the organization of each biennial Council.

Sec. 8. In elections by the people the electors shall vote *vica* roce. All male citizens who shall have attained the age of eighteen years shall be equally entitled to vote at all public elections.

SEC. 9. The National Council shall judge of the qualifications and returns of its own members, determine the rules of its proceedings, punish a member for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

SEC. 10. The National Council, when assembled, shall choose is own officers; a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and

under such penalty as the Council may prescribe.

SEC. 11. The National Council is empowered to fix by law the salaries of all officers of the Nation and members of the National Council, except that of the treaty chiefs, who shall receive no other salary than that provided by the treaty of October 14. 1868. Provided, That the same are increased or diminished by law, but no other alteration shall take effect during the period of service of the members of the National Council by whom such alteration many have been made.

Sec. 12. The National Council shall regulate by law by whom and in what manner writs of election shall be issued to fill vacancies which may happen in the Conncil thereof.

Sec. 13. Each member of the National Council, before he takes his seat, shall take the following oath or affirmation:

I, A, B, do solemnly swear (or affirm, as the case may be) that I have not obtained my election by bribery, treat, or any undue and unlawful means, used by myself, or others by my desire or approbation for that purpose; that I consider myself constitution—sily qualified as a member of the National Council, and that on all questions and measures which may come before me I will appear most conductor which may come before me I will appear most conductor to the interest and prosperity of the Nation; and that I will bear true faith and allegiance to the same, and to the utmost of my ability and power observe, conform to, support and defend the constitution thereof.

SEC 14. No person who may be convicted of felony shall be

eligible to any office or appointment of honor, profit or trust within this Nation.

Sec. 15. The National Council shall have power to make all laws and regulations which they shall deem necessary and proper for the good of the Nation, which shall not be contrary to this constitution.

Sec. 16. It shall be the duty of the National Council to pass such laws as may be necessary and proper to decide differences by arbitration, to be appointed by the parties who may choose that summary mode of adjustment.

SEC. 17. No power of suspending the laws of this Nation shall be exercised, unless by the National Council or its authority.

SEC. 18. No retroactive law, nor any law impairing the obligation of contracts, shall be passed.

Sec. 19. The National Council shall have power to make laws for levying and collecting taxes for the purpose of raising a revenue.

Sec. 20. All acknowledged treaties shall be the supreme law of the land, and the National Council shall have the sole power of deciding on the constructions of treaty stipulations.

SEC. 21. The Council shall have the sole power of impeaching. All impeachments shall be tried by the National Council, when sitting for that purpose; the members shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 22. The Principal Chief, Assistant Principal Chief, and all civil officers is all be liable to impeachment for misdemeanor moffice; but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit under the government of this Nation. The party, whether convicted or acquitted, shall be liable to indictiment, trial, judgment and punishment according to law.

ARTICLE IV.

Section 1. The supreme executive power of this Nation shall be vested in a Principal Chief, who shall be styled "The Principal Chief of No shall be styled "The Principal Chief shall hold his office for the term of two years, and shall be elected by the National Council from the treaty chiefs on the organization of each bleminal Council.

Sec. 2. No person except a native born citizen shall be eligible to the office of Principal Chief; neither shall any person be eligible to that office who shall not have attained the age of thirty five years.

Sec. 3. There shall be chosen at the same time by the National Council, in the same manner, for two years, an Assistant

Principal Chief, who shall have attained the age of thirty-five years.

SEC. 4. In case of the removal of the Principal Chief from office, or of his death, or resignation, or inability to discharge the powers and duties of the said office, the same shall devolve, upon the Assistant Principal Chief, who shall be one of the treaty chiefs.

ease of removal. death, resignation, or disability of both the Principal and Assistant Principal Chiefs, declaring what officer shall then act as Principal Chief until the disability be removed or a Principal Chief shall be elected.

SEC. 6. The Principal Chief and Assistant Principal Chief shall receive for their services no other compensation than that provided in the treaty of 1868, and they shall not receive within that period any other emolument from the Sac and Fox Nation or any other government.

Sec. 7. Before the Principal Chief enters upon the execution of his office he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the duties of Principal Chief of the Sac and Fox Nation, and will to the best of ny ability preserve, protect and defend the constitution of the Sac and Fox Nation.

Sec. 8. He may, on extraordinary occasions, convene the National Council at the seat of government.

SEC. 9. He shall, from time to time, give to the Council information of the state of the government and recommend to their consideration such measures as he may deem expedient.

Sec. 10. He shall tuke care that the laws be faithfully executed.

Sec. 11. It shall be his duty to visit the different hands at least once in two years, to inform himself of the condition of the country.

SEC. 12. The Assistant Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the administration of the government at all times during his continuance in office,

SEc. 13. Vacancies that may occur in offices, the appointment of which is vested in the National Council, shall be filled by the Principal Chief during the recess of the National Council, by granting commissions, which shall expire at the end of the next session thereof.

Sec. 14. Every bill which shall poss the National Council, shall before it becomes a law be presented to the Principal Chief; if he approves he shall sign it, but if not he shall return it with his objections to the Council, who shall enter them at large on their journal and proceed to reconsider it. If after such reconsideration we, thirds of the Council shall agree to pass the bill, it becomes a law. If any bill shall not be returned by the Principal Chief within five days (Sunday excepted) after the same has been presented to bim, it shall become a haw in like manner as if the had signed it, unless the National Council, by their adjournment, prevent its return, in which case it shall be a law unless sent back within three days after their next meeting.

Sec. 15. Members of the National Council and all officers, executive and judicial, shall be bound by eath to support the Constitution of their Nation, and to perform the duties of their respectations.

tive offices with fidelity

SEC. 16. The Principal Chief shall, during the session of the National Council attend at the seat of government.

Sec. 17. There shall be an Executive Council composed of the treaty chiefs and their Councillors, who, or a majority of whom, may from time to time hold and keep a Council for ordering and directing the affairs of the Nation according to law.

SEC. 18. The Treasurer of the Sac and Fox Nation shall be chosen by the National Council for the term of two years.

SEC. 19. The Treasurer may be a member of the National Council and Treasurer at the same time, but he shall not receive the pay of but one of said offices.

Sec. 20. The Treasurer shall before entering upon the duties of his office give bond to the Nation with sureties to the satisfaction of the National Council for the faithful discharge of his trust.

Sec. 21. No money shall be drawn from the treasury but by warrant from the Principal Chief, and in consequence of appropriations made by law.

Sec. 22. It shall be the duty of the Treasurer to receive all public moneys and to make a regular statement and account of the receipts and expenditures of all public moneys at the annual ses-

sion of the National Council,

SEC. 24. The fiscal year of the Sac and Fox Nation shall begin on the 1st day of October and close on the 80th day of September of each year; and all books and accounts of the Transurer shall be kept, and duties of the office performed, with regard to the beginning and ending of the fiscal year. The National Treasurer's salary may be fixed by law.

ARTICLE V.

Section 1. The judicial powers shall be vested in a Supreme Court, and such circuit and inferior courts as the National Council may from time to time ordain and establish.

SEC. 2. The Judges of the Supreme and Circuit courts shall hold the reomnissions for the term of two years, but any of them may be removed from office on the address of two-thirds of the National Council to the Principal Chief for that purpose. SEC. 3. This salary of the Judges of the Supreme and Circuit courts may be fixed by law, which shall not be diminished during their continuance in office, but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under the government of this Nation or any other power.

Sec. 4. No person shall be appointed a Judge of any of the courts until he shall have attained the age of thirty years,

Sec. 5. The judges of the Supreme and inferior courts shall be elected by the National Council.

Sec. 6. The judges of the Supreme and Circuit courts shall have complete criminal jurisdiction in such cases and in ϵ uth manner as may be pointed out by law.

SEC. 7. No judge shall sit on trial of any cause when the parties are connected with him by affinity or consanguinity, except by consent of the parties. In case all the court (Supreme) shall be interested in the issue of any court, or related to all or either of the parties, the National Council may provide by law for the selection of a suitable number of persons of good cluracter and knowledge for the determination thereof, and who shall be specially commissioned for the adjudication of such case by the Principal Chief.

Sec. 8. All writs and other process shaft run "in the name of the Sac and Fox Nation," and bear attest and be signed by the respective clerks.

SEC. 9. Indictments shall conclude "against the peace and dignity of the Sac and Fox Nation."

SEC. 10. The place and meetings of the different courts shall be determined by the National Council,

SEc. 11. In all eriminal prosecutions the accused shall have the right of being heard; of demanding the nature of the accusation; of meeting the witnesses face to face; of having compulsory process for obtaining witnesses in his or their behalf, and in prosecutions by indictment or information a speedy public trial; nor shall the accused be compelled to give evidence against himself.

Sec. 12. All persons shall be bailable by sufficient securities, unless for capital offenses when the proof is evident or the presumption great.

ARTICLE VI.

Section 1. No person who denies the being of a God, or a future state of reward and punishment, shall hold any office in the civil department of this Nation.

Sec. 2. When the Executive Council, or a majority of them, shall determine the expediency of appointing delegates, or other public agents, for the purpose of transacting business with the government of the United States, or other parties, the Principal

Chief shall recommend and by the advice and consent of the Executive Council, or a majority of them, appoint and commission such delegates or public agents accordingly, on all matters of interest touching the rights or interests of the citizens of this Nation. The compensation of such delegates or agents shall be determined by the Council,

SEC, 3. All persons shall be allowed the right of counsel.

SEC, 4. All commissions shall be in the name and by the authority of the Sac and Fox Nation and signed by the Principal Chief. The Principal Chief shall make use of his private seal until a national one shall be provided.

Sec. 5. A Sheriff shall be elected by the National Council, who shall hold his office two years unless sooner removed. Should a vacancy occur subsequent to election, it shall be filled by the Principal Chief, as in other cases, and the person so appointed shall continue in office until the next regular election. The Sheriff shall have the power to appoint as many as one under Sheriff from each band

Sec. 6. The appointment of all officers not otherwise directed by this Constitution shall be voted for in National Council.

SEC. 7. The National Council may propose such amendments to this Constitution as two-thirds of the Council may deem expedient, and the Principle Chief shall issue a proclamation directing all officers of the several bands to promulgate the same as extensively as possible within their respective bands at least six months previous to the next general election, and if at the first session of the Council after such general election two-thirds of the Council shall by ayes and noes ratify such proposed amendments they shall be valid to all extent and purposes as part of this Constitution. Provided, That such proposed amendments shall be read on three several days in Council, as well as when the same are proposed as when they are ratified.

Done in Convention at Sac and Fox Agency, Sac and Fox Nation, this 26th day of March, A. D. 1885.

Ucquaw ho ko, his X mark, NUL LAH KE, his X mark. ALEX CONNOLLY, NOM MOL WAH, his X mark, ANTOINE GOKEY. CHARLES KEOKUK, WAW PE KO HAL, his X mark, CUP PAW HE, his X mark, KE OM MO WHAT, his X mark, MASH KO KAW, his X mark, Show-que-quot, his X mark. WAW-KAL-LE, his X mark. KISH KE TEN O KAH.

MARKO SAN TOE, his X mark, HENRY CLAY JONES. KEOKUK, his X mark, WILLIAM HARRIS, MILTON CARTER. MY AW CHE, his X mark, KAH CHE PIM MO SAU, his X mark. WAW PAW KO HUCK, his X mark, Tus-se-haw, his X mark. MAY MAL LE HAW, his mark,

At a full Council of the Chiefs and head men of the Sac and Fox tribe of Indians of the Mississippi in the Indian Territory held in their Council house at Sac and Fox Agency, I. T., on this the 14th day of March, A. D. 1885, the following proceedings were had, to wit:

After a full and fair discussion as to the advisability of the Saud Fox tribe of Indians of the Mississippi in the Indian Territory organizing a civil form of government for their future government, it was decided that in such a course there was

wisdom and an imperative demand therefor.

Therefore, it was resolved by said. Connoil that a committee consisting of seven members of their tribe be appointed by said Conneil to draft a suitable constitution and Laws looking to that out, to be submitted to a regular Conneil to be held on the 25th day of March, A. D. 1885. The Conneil appointed as said comnitree, W. m. Harris, Mah-ko-se-toe Nish-koh-kat, Mash-ko-kah, Show-ape quart, Nom-wöh-wah and Robert Thrift.

Conneil adjourned to meet March 26, 1885, at Council room

of Sac and Fox Agency.

CHAS. KEOKUK,

March 14, 1885. Serretary,

Sie AMD FOX AGRON, I. T., Merch 26, 1885.
Council net pursant to adjournment on unities submitted report as per the appended Constitution, which was fully discussed and adopted. Said committee submitted also a code of laws, which was received and laid over until April 6, 1885, for action by the Council.

MEMBERS PRESENT.

| | MEMDER | S PRESENT: | |
|----------------|--------------|---------------------|----------|
| | 1. Ucquaw ii | o ko, Head Chief, | |
| Квокик, | Chief, | KE OM MO WHAT, | Headman, |
| CHE KO SUK, | 44 | MASH KO KAW, | 44 |
| CUP PAW HE, | 41 | SHOW QUE QUAT, | 44 |
| Wah ко мо, | 44 | KIS KE TEN O KAH, | 16 |
| MAH KO SE TOE, | Headman, | ANTOINE GOKEY, | 66 |
| WAH PE КО ПОІ | | Black Neck, | 44 |
| NUL LAH KE, | 44 | KAII CAE PIM MO SAH | |
| MAW MALLE HA | | WAW PAW KO HUCK, | " " |
| NOM MOL WAH, | 66 | MY AW CHE, | 66 |
| WAW KAL LE, | -6 | TUS SE HAW, | 44 |
| MILTON CARTER | ۱, " | NISH KO KAT, | 44 |

Adjourned to meet at Council room, April 6, 1885, Sac and Fox Agency, I. T.

March 26, 1885.

CHAS. KEOKUK, Secretary,

SAC AND FOX AGENCY, I. T., April 6, 1885. Council met pursuant to adjournment. All the members being present. The laws for the government of the Sac and Fox tribe as reported by committee was then discussed and adopted by a three fifths vote, said adoption being by vote upon each act, by section seventeen, and then as a whole, until all acts hereto appended were adopted.

The following officers were unanimously elected, to wit: Uc Quaw но ко, Principal Chief, Keokuk, As't Prin Chief, Wm. Harris, Treasurer, Robt. Thrift, Pros. Atty,

ALEX. CONNOLLY, Sheriff,

ADDITIONAL COUNCILIONS:—Wah pe ko hal, Maw mal te haw,
Milton Carter, Atoine Gokey, Mash ko kaw, Waw paw ko-

huck, Kish ke ten o kah, Tus se haw.

Resolution passed asking U. S. Indian Agent I. A. Taylor to
forward copy of Constitution and laws to the Hon. Commis,
sioner of Indian Affairs for approval. Council adjourned.

April 6, 1885.

CHAS. KEOKUK, Treasurer,

LAWS OF THE

SAC*FOX NATION.

CHAPTER 2-ARTICLE 1.

An Act for the Punishment of Criminal Offences.

SEC, 1. That in all cases of wilful nurder, the offender upon suffer death by hanging or shooting, and when the sentence of death shall have been passed, the court shall grant a respite of five days before such criminal shall be executed. Procided, That if any such offender plead guilty before the court trying the same said offender shall be sentenced to solitary confinement athard labor in the prison that may at that time be provided by this Nation for a term less than fifty years.

SEC 2. That any person who shall, with malice aforethought, assault another with 'intent to kill, shall upon conviction thereof, be fined in a sum for the benefic of the party injured, not less than five nor more that fifty dollars, at the discretion of the court, and receive not less than twenty-five nor more than fifty lashes on the bare back. But if any person shall kill in self defence or by accident, without any previous intent to do the same, he shall not be held accountable for such act, and be exempt from

any fine or punishment whatever,

SEC. 3. Any person who is or may be convicted of threatning to kill another shall be anjudged to pay a fine of not more than fifty dollars and to receive fifty lashes on his bare back.

Sec. 4. That upon trial and conviction of any person charged with the offense of having committed or an attempt to commit it rape on any female, he shall be punished with not less than twenty-five nor more than fifty lashes on the bare back.

ARTICLE II.

An act for the punishment of thefts and other crimes.

Sec. 1. That any person who shall be convicted of stealing a borse, multiplack or journet, shall be panished by not less than thirty nor more than fifty lashes on the bare back, and be compelled to make payment to the amount of damages or injuries sustained, if such so lon property he not restored, for the benefit of the person so injured; and for all other property which shall be in proportion to the magnitude of the offense, at the discretion of the court, and judgment against the offender for damages to the party injured.

Sec. 2. That if any person shall wilfully and maliciously burn the house or other property of another or otherwise kill any animal or destroy the property of any person for the purpose of injury or gratifying a spirit of revenge, or otherwise, shall be punished in like manner as provided in the section above, and be compelled to make ample remuncration by such compensation as

the court may determine.

Sec. 3. Any person who shall witfully or knowingly mark or brand any animal, the property of another, with a mark or brand not that of the owner without the consent of said owner, or anthority of law, or shall knowingly alter or deface the mark or brand of any animal not his own, without the consent of such owner, shall upon conviction thereof, be punished by a fine of not less than fitteen or more than fifty dollars.

Sec. 4. Any person convicted of breaking into any honse, cornerly smokehouse or stable, with intent to steal any thing therefrom, or any person stealing any property therefrom at any time, shall be punished by fine not less than ten dollars or more than fifty dollars or by imprisonment in the National prison not more than sixty days or by both such fine and imprisonment in

the discretion of the court.

Sec. 5. Any person who shall, at any time or in any place play at any game for gain with eards, die, or any dovice which may be used oradanted to playing any tame of chance of hazard, or shall bet on the hands or sides of those who do play, within one mile of the Sec and Pox Agency, or Sac and Pox M L. School, or any public gathering, shall be deemed gailty of a misdemeanor, and shall be fined in a sum not less than five dollars, nor exceeding twenty-five dollars.

SE: 6. That any person convicted of introducing intoxicating liquors of any kind on or into the Sac and Fox reservation shall be fined fifty dollars, and should any person be injured physically thereby, the fine shall be an additional seventy dollars, or imprisonment for a term not more than one year or both, such fine and imprisonment in the discretion of the court. Provided, That any person giving information to the authorities of the place where any intoxicating liquors may be found on the rerervation unlawfully in possession of any person, the person so informing shall be paid ten dollars for such information. Providal, furth r. That such information leads to the arrest and conviction of the person owning or possessing said liquors. And, Provid d, further, That any citizen of the United States so introducing said intoxicating liquors on the Sac and Fox reservation, shall be arrested and turned over to the United States authorities for trial

SEC. 7. Any person convicted of stealing garden produce shall be fined two dollars, and also pay to the injured party the full value of the produce so stolen, the value thereof to be ascertained by the Sheriff who reports the same to the court before

which the accused may be tried.

Sec. 8. Any person being in a state of intoxication on the Sea and Fox reservation, shall upon conviction thereof, before the court of this Nation, be fined for each offense, the sum of not less than two dollars nor more than twenty-five dollars, as the court may direct, or may be imprisoned not less than ten days or more than sixty, days, or by both such fine and imprisonment in the discretion of the court.

SEC. 9. All fines provided for in these laws shall be paid over to the Treasuer, by the Secretary of the Nation, for the use of the Nation

ARTICLE III.

Disturbing Public Assemblies.

Sec. 9. Every person who shall wilfully amony, by word of deed, or in any manner disturbs any school, religions, or social public meeting, lawfully assembled, upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars. And that the members of every religions, and social public meeting, when lawfully assembled, be authorized to adopt such measures for the peace and harmony of their meeting, by the suppression of the sale and indulgence in the use of intoxicating druks, and for the preservation of peace, as may seem to them use proper and best suited to that purpose, and said assembly, or the individual members thereof, shall not be responsible for my damages suffered by persons, in the exercise of the right herein granted.

SE: 9. That any person who shall employ another, or aid or abet in the perpetration of any criminal offense, upon conviction thereof, such person or persons shall suffer such punishment as may be inflicted upon the princidal offender and be likewise subject to the same judgment for damages.

ARTICLE IV

Miscellm ous Official Bunks.

SEE 1. That hereafter, it shall unhavful for this council to approve of any person. as surety upon any official bond, unless such surety furnish the Secretary of the Nation with a list of the personal property, he owns in his own name, and shoult such surety at any time hereafter, dispose of his property, for the purpose, or to the affect of defrauding the Nation out of any portion of his liability upon such bond, he shall upon conviction he guilty of a mislemanor, and punished by his not exceeding \$100 or imprisonment not exceeding six months, or both, as the court may derict

SEC. 2. That should any National officer become a defaulter, to the Nation, suit may be brought in the Supreme Court against said Officer, and his sureties, upon his bond, and the same may be declared forfeited and indement entered in said court for the amount found to be due the Nation, by said officer, and execution shall issue and shall in all respects be treated as executions

are in other cases.

Sec. 3. That if any minciple or surety upon any official bond at any time disposes of his property in anticipation of a detalcation of the officer whose bond he signed, the Sheriff may attach such property and hold the same until the amount of deficiation here ascertained by the court, and then proceed according to law with said property.

ESTRAYS.

SEc. 1. That any person taking up stray horses, logs, cattle or other stock shall notify the Sceretary within five days giving to that officer a true and correct description of the same, and also state where such stock may be seen and the name of the person taking up the same.

Sec. 2. It shall be the daty of the National Secretary immediately upon receiving such internation to post the same on the door of the Council liouse by writing a full and correct description thereof together with the name and residence af the person taking up said stock, and asking the owner or owners thereof to proceed to prove their property, pay all charges, and take the same away, as hereinafter provided.

SEC. 3. Any person claiming to be the owner of such stray stock, may notify the person so taking up said strays, that he or they will appear on a certain day, not less than two days thereafter, unless a shorter time be agreed upon, before one of the Judges of the National Court and prove his ownership to the said stock.

SEC. 4. If any such person proves to be the owner of such stock, the said Judge shall order and decree that such owner shall upon payment of two dollars for each month or fractional part thereof, recive such stock, that the person taking up such stray has had said stock, counting from the day said Secretary was notified that said stock was taking up, one half of said charges to be paid to the person taking up said stray, and the other limit is to be paid to the National Secretary, and by him paid into the National Tensury.

Sec 5. Should any strays so taken up remain in the possession of the person so taking up the some for the space of one year, without having been proven up as aforesaid, then, said person taking up such stray, shall notify the Carlot Secretary of the same, who shall advertise the same for the aforement the stray of the same, who shall advertise the same for the advertise that a secretary of the same, who shall advertise the same for the shall sense aforesaid the same shall be sold by the Sheriff, who shall small should be shall the same shall be sold by the Sheriff, who shall small stock, and if the person so taking up said stock shall pay to the National Secretary, for the see of the National Treasury, one half of said appraised value. He shall be held and deemed to be the legal owner thereof thereafter.

Sec. 6. Any person who shall dispose of or willfully take any strap property not his own, or shall willfully kill or main any such property either before or after such property is posted, shall be deemed guilty of the same offense as if the act was committed upon the property of a citizen, and shall, upon conviction, be punished accordingly.

Sec. 7. All laws or parts of laws inconsistent herewith are hereby rapealed.

FENCES.

Sec. 1. All eight rail worm fences, staked and ridered with single rider, and all wire fences of four wires not to exceed ten inches apart, and posts not to exceed fifteen feet apart, shall be deemed and held to be a lawful fence. Any stock braking into or through such fence and doing any damage to growing crops, trees or shruts, may be held by the person or treespassed upon, until all damages said stock may have done, be paid by the owner of said stock, to the party so injured. The amount of such damage shall be appraised by the Sheriff, who shall report the amount of such damages to the Judge of the Supreme Court, and said Judge shall enter the amount upon the records of said court, and the same shall be a judgment against the owner of said stock,

Provided, That the parties in interest may make settlement aimcably for any amount, which settlement so made shall be a full, satisfaction of any such judgment.

Sec. 2. Any person or persons who may be convicted of cutting or in any way injuring any such fence shall be fined the sun.

of twenty dollars for each offense.

STOCK IN TRANSIT

COLLECTION OF DERTS

SEC. 3. That any citizen of Sac and Fox blood, of the Sac and Fox Nation in the Indian Territory, and no others, may enforce the collection of any debt arising from contract, damage or forfeiture, or for the recovery of specific personal property by procenting the same before the Supreme Court by a civil action at-

Sec. 4. All such actions shall be commenced by filing with the clerk of said court a written statement of the cause of action, and a summons shall issue thereon as provided in section six (\$\vee{y}\$) of Article one (1) of Chapter three (3) of Sac and Fox laws.

Sec. 5. After the court hears all the evidence offered by both parties, it shall proceed to enter judgment in favor of the prevailing party and shall enforce the same by issning an excention directed to the Sheriff of said Nation, who shall serve the same by levying upon the property of the judgment debtor, and after giving ten days public notice posted at the Council Honse in a public place of the time of sailing said property at public auction to the highest bidder for eash, and pay the same over to the clerk of said court, who shall pay the same over to the party entitled to receive it.

Size 6. No judgment shall be entered by any of the courts of this Nation unless the action thereon shall have been commenced within two years from the date at which the cause of action acerred. Provided, No judgment shall be entered upon any debt that was in existence prior to the taking effect of this law, and, Provided, fauther, That all assignments of claims or notes by white men to Indians shall be void and of no effect, and that no judgment shall be entered thereon under this law.

SEC. 7 That the provisions of this act apply to the collection of all taxes and fines under the laws of this Nation; as far as ap-

plicable.

SALARIES OF OFFICERS.

Sec. 8. That, hererfter the salaries of the officers of the Sac and Fex Nation, shall, until otherwise provided, be that contained in this act. The salary of the Chief Justice shall grow the property of the Chief Justice shall contained dred dollars per year and no more; and that of the Associate Judges shall be four dollars per duy for each day actually employed in attending upon the duties of said office, and no more. The salary of the Treasurer shall be four hundred dollars and no more, The shally of the Secretary shall be tour hundred dollars per year and no more. The Prosecuting Attoracy's salary shall be three hundred dollars as year and no more. The Salary of the Sheriff shall be three hundred dollars aper year and no more. Provided, That the Deputy Sheriff's shall receive the sum of two (2) dollars per day for each day actually employed on official duty and no more.

Sec. 9. That the salaries of the Eight Executive Comeilmen shall be the sum of four dollars cach per day or fraction thereof while in session, and more. And the salaries of the eight elected Comeilmen shall be the sum of three dollars per day, or fraction thereof, for the decadally in session and no more.

SEC. 10. All other acts, or parts of acts in conflict with this act, be, and the same are hereby repealed.

DESCENT AND DISTRIBUTION.

SEc 11. Any person dying in this Nation possessed of property of any kind, without making a will and leaving a wife or husband, or a child or childrer: without abound or wife, the said property shall be inherited in the following manner, and no other: The husband or wife and child or children in the order herein named, or, such person dying not having a husband or wife or any children, said property shall descend to the next of kin living.

Sec. 12. All such descents shall be in equal quantities of the same time of descent.

GUARDIANS.

Sec. 13. The oldest blood relation living who can give a good bond for the faithful performance of the trust to the Judges of the Supreme Court, shall be, by either of said Judges appointed the guardian of the person and property of any orphan minor child.

Sec. 14. And if none of the blood relations of any such minor take out letters of guardianship within thirty days, the Principal Chief may designate some suitable person in writing to a Judge of said court who may be appointed such guardian and upon filing with said Judge a good and sufficient bond, as above provided, such goardian shall crup on the duties of his said offite Proceeded, That each and every guardian be required to make at

least one settlement each year, with said court, and as many others as said court may demand, and, Provided, further, said guardian may be removed at any time for cause, and a proper person appointed as aforesaid to complete the trust.

ARTICLE V.

Employment of Non-Citizens

SEC. 15. Any Citizen of this Nation who may desire to employ, for one month, or more, or rent to a citizen of the United States, shall be required to obtain a permit for that purpose from the Sac and Fox Executive Council, and be approved by the Indian Agent, and the Indian Office at Washington.

SEC. 16. Any citizen of this Nation who may desire to employ or rent to a non-citizen Indian shall be required to obtain a pernit for that purpose from the Sac and Fox Executive Council

and be approved by the Indian Agent.

SEC. 17. For all such permits granted, the National Secretary shall require of the person obtaining it one dollar for every month or fraction more than a mouth for which it is granted. He shall report to the Treasurer, at the end of each quart,er and turn over to him all of the receipts that may come into his hands for the quarter then ending.

SEC. 18. After the expiration of the time of the permits, such persons shall be deemed an intruder, and it is made the duty of the Prosecuting Attorney to report the same to the Indian Agent.

Szc. 19. Any citizen of this Nation who shall hire or employ any citizen of the United States, or non-citizen Indian in any other manner than as provided in the first and second sections of this article shall be deemed guilty of a misdeneanor, and, upon conviction, be fined in any sum not less than twenty five nor exceeding fifty dollars at the discretion of court.

SEC. 20. That any person fined at any time, upon the Sac and Fox reservation, not a citizen of the Nation, or a United States officer or employe, and not having a permit from the Executive Council, and paid for the same according to law, shall be ejected from the reservation as the law directs in other cases.

ARTICLE VI.

Persons who may be Summoned by an Officer.

Sec. 21. No permits shall be granted longer than one year. Persons holding such permits shall be allowed in the discretion of the Executive Council, two span of horses or oxen, two cows and calves but no more or other stock.

Sec. 22. All laws or parts of laws inconsistent with these amendments and this act be and the same are hereby repealed.

Sec. 23. Any person or persons who may be summoned to ap-

pear before the court to give in testimony, and shall refuse or fail to attend, unless on account of sickness or other lawful ex-

cuse, such person shall be fined in a sum not less than twenty-sire nor more than fifty dollars at the discretion of the court; the and any person who may be summoned by an officer to sid in the arrest of any criminal, and shall refuse, unless it shall be on account of sickness, or other lawful excuse, shall be fined twenty-five dollars.

ARTICLE VII. Resisting Officers,

SEC. 24. Any person who shall resist, abuse, or injure any officer of this Nation, who is in the legal discharge of his duties, shall upon conviction receive for each offense not less than twenty-five nor more than fifty lashes upon the bare back, at the discretion of the court.

ARTICLE VIII.

Destroying Pecan Trees.

Sec 25. Any person who shall cut down or destroy any pecan tree, for the purpose of obtaining the fruit thereof, shall be fined in the sum of twenty-five dollars.

ARTICLE IX.

To legalize intermarriage with white men,

SEC. 26. Any white man or citizen of the United States. who may hereafter come into the Sac and Fox Nation to marry a Sac or Fox woman, shall first be required to make known his intentions to the National Council by applying for a license, and such license may, under the authority of the National Council. be issued by the Clerk thereof; any person so obtaining a license shall pay to the Clerk the sum of twenty-five dollars for such license, and take an oath to support the Constitution, and abide by the laws of the Sac and Fox Nation, which oath may be administered by the Principal Chief, or the Clerk of the National Council authorized for that purpose, and it shall be the duty of the Clerk to record the same in the Journals of the National Council. But if any such white man or citizen of the United States, shall refuse to subscribe to the oath he shall not be entitled to the rights of citizenship, and shall forthwith be removed without the limits of the Sac and Fox Nation.

Sec 27. All non-chizens being married to citizens of this Nation, or having children entitled to citizenship, shall have a right to live in this Nation and enjoy all the privileges enjoyed by other citizens, except participation in the nanutires and final participation in the lands or funds realized by the Nation from the use of its lands, and in case of removal from the limits of our Nation shall not have the right to sell their improvements, provided that used person shall satisfy the Principal Chief as to their good character and housest intentions, and provided that the Principal Chief shall grant to such person permit to reside in

the Nation during good behavior, with the consent of the National Council,

SEC. 28. The Principal Chief is hereby authorized to grant the permits herein provided for on the approval of the Execu-

tive Council.

SEC. 29. No non-citizen shall have a right to reside in or to own any kind of property within the Sac and Fox Nation except by permit, and any non-citizen, without a permit, who shall make any improvements in the Sac and Fox Nation, shall forfeit the same to the Nation

SEC. 30. Non-citizens are all persons who are not of Sac and Fox blood, but this article shall not be construed so as to interfere with persons who are lawfully intermarried with citizens of the Sac and Fox Nation, or so as to interfere with any right guaranteed by treaty. Provided, That this article shall not be so construed as to grant to citizens not of Sac and Fox blood to amass large herels of stock of any kind or to open up for cultivation large and numerous tracts of land to the detriment of the citizens of the Sac and Fox Nation.

ARTICLE X. Executions.

SEC. 31. The punishment of death in all cases shall be by hanging by the neck or shooting until he be dead, and the sentence shall at the time and place directed by the Judge be executed by the high Sheriff, or some one deputized by him for that purpose.

ARTICLE XI.

Sgc. 32 All persons who carry on any business transactions within the limits of this Nation, under license from the United States Government, shall be required to pay the sum of one hundred and fifty dollars per annum into the National Treasury of this Nation, and it shall be the duty of the Treasurer of this Na-

tion to collect the same.

SEC. 33. No non-citizen, licensed trader, who has not intermatried with a citizen of this Nation, shall be allowed to out and put up hay, from our common pasturage, or to cut or have cut irrewood, poles, rails or logs from our forcests without proper compensation, and under a permit from the Executive Council of the Sac and Fox Nation Provided, That is arriede shall not be so constructed as to apply to Government employees or missionaries connected with the Indian service; and any non-citizen licensed, found cutting and and putting up hay from our common pasturage shall be fined ten dollars for each acre so cut and put up, and any non-citizen, licensed trader, found cutting or having cut from our forests, firewood, poles, rails, or logs, shall be fined the sum of twenty-rive dollars for each and every offense. Sec. 34. No non-citizen, licensed trader, shall be allowed to keep stock ranches nor cattle, horses or hogs within the limits of this Nation, except such horses as are actually necessary for use in connection with their business, and such milet cown as are actually necessary for turnish milk and butter for family use, and any lie used trader of this class, who shall disobey these provisions, shall be reported to the United States Agent, by the National Attorney, with the request that said person's license be revoked, and that they be removed from the limits of the Sac and Fex Nation.

ARTICLE XII. Hotel Keepers.

SEC. 35 All non-citizens who may desire to operate a hotel, eating or boarding house of whatsoever kind, in the Sac and Fox Nation shall pay the same license and in the same manner, and be subject to the same restrictions as are non-citizen license traders

Sec. 36. Every person transacting or proposing to transact as mercantile or hotel business in the Sec and Fox Nation, shall make application and receive license for that purpose from the Sec and Fox Executive Council, and before entering upon their business shall pay into the National Treasury the full sum of their license.

Sec. 37. It shall be and is hereby made the duty of the Sheriff where citizens of the United States violate the intent of this or any act regarding licensed traders or hotel keepers, to at once report the matter to the Indian Agent in charge or other officers of the U. S. and to request said officers to take proper action thereon.

ARTICLE XIII.

Indians not of Sac and Fox Blood.

Sec. 38. Any Indian residing in the Sac and Fox Nation by vitue of marriage, permit, or otherwise, not of Sac and Fox blood, who shall advise with Conneil, or in any way interfere by conversation, act, or otherwise with the advancement of the Sac and Fox people, create any kind of dissatisfaction, contention or strife of any nature whatsoever, shall by the prosecuting attorney be reported to the Indian agent and his removal from the Sac and Fox Nation demanded. Provided, However, that this section shall not be construed as to interfere with the U. S. interpreter or missionaries in the discharge of their respective duties.

ARTICLE XIV.

SEC. 39. All wild hogs in the Sac and Fox Nation are hereby declared to be the common property of the citizens of said Nation and any citizen who shall kill a wild hog in the Sac and Fox Nation, shall turn over to the National Treasury one half of th value of each and every hog so killed in eash, and upon the conviction of his failure to do so shall he finded in a sum equal to double the value thereof, or to receive not less than ten nor more than thirty lashes on the bare back for each and every offense, or both in the discretion of the theourt.

CHAPTER III.—ARTICLE I.

Relating to the Judiciary.

SEC. 40. The seat of the Sac and Fox government is hereby established at the Sac and Fox Agency.

SEC. 41. The court established under the government of this Nation shall have jurisdiction of all suits rising under the constitution and laws of the Sec and Fox Nation.

Sec. 42. There shall be established a Supreme Court which shall consist of one Chief Justice and two associate judges, who

shall decide all civil cases.

SEC. 43. It shall be the duty of the three judges to choose two persons of good character and knowledge, who shall in conjunction constitute a court for the purpose of hearing and deciding all criminal cases.

SEC. 44. No citizen of the Sac and Fox Nation who may be employed by the United States Government, as a police, shall be chosen to sit as judge in the court of the Sac and Fox Nation.

Sec. 45 The commencement of all suits shall be by summons obtained from the clerk, of the court and which summons shall state the nature of the case upon which proceedings are founded, and be served by some lawful officer at least twenty days before the holding of said court, except in criminal cases where with cases can be immediately had, and such summons shall be returnable to the clerk with a certificate of service, and the court shall give judgment as tor the right of the cause, and the matter in law shall appear under them without regarding any imperfection, defect or want of form in such summons in process.

SEC. 46. The court shall hold regular sessions on the first Mondays of May and November, but will convene in special term for the trial of any cause upon the order of the Executive Coun-

cil.

ARTICLE II.

High Sheriff.

SEC. 47. The office of High Sheriff is hereby created. He shall be elected by the National Council for the term of two years.

SEC. 48. The Shoriff shall at all times keep the Council Room cloan and properly ventilated, and during the session of the National Council or Executive Council and Court, well warmed and supplied with pure water. It shall be his especial duty to cause

to be prosecuted every person who shall be accused of violating the laws.

SEC. 19. The High Sheriif shall be a conservator of the peace with such general powers as are exercised by Sheriffs, besides such special or extraordinary powers as may be conferred upon him by law. He shall wait upon, open and adjourn the sessions of the court and execute its mandates. He shall also wait upon and execute all orders of the National or Executive Council, who shall have full authority, during the session of the Council, and at all other times to suppress within the vicinity of the Council Induse all riotons broils, obscene, or other improper conduct, and to enforce obedience to the law and may, whenever necessary, summons any extra adequate force to his assistance, he may summarily arrest, imprison and hold until duly sober, any person acting improperly, while under the inflaence or intoxicating drinks, and arrest, and imprison all persons who may be guilty of a breach of the peace at or about the seat of government.

Sec. 50. The High Sheriff shall have the power to select one under sheriff from each treaty band to be approved by the Excentive Council, and shall have general supervision over them and see that they properly execute all matters entrusted to them, and he shall see that all license fines not otherwise provided for by

law are collected.

Sec. 51 The "uder Sheriff shall be subject to the orders of the High Sheriff in the execution of the duties of his office under the same rules, regulations and restrictions as are imposed upon the High Sheriff by law.

SEz. 52. Should any person charged with criminal violation of the law resist any lawful officer, or person authorized to make arrest, while in the discharge of his or their duty, and such persons should be killed on account of unhawful resistance, such officer or other person shall not be held guilty of murder.

ARTICLE III.

Executive Council

SEC 53. The Executive Council shall consist of the number and serve for the length of time as defined by the constitution. They shall perform such duties as are required of them by the constitution, and such as are or may be required of them by law.

ARTICLE IV.

Prosecuting Attorney.

SEC, 54. The Prosecuting Attorney shall be elected by the National Council, and his term of office shall be that of the National Council electing him, and such Prosecuting Attorney before entering upon the duties of his office shall be commissioned

by the Principal Chief.

Sec. 55. That it shall be the duty of the Prosecuting Attormot to prosecute in helalf of the Nation all persons charged with
criminal offenses that may be brought before the court of the Nation, and be required to take the following oath or affirmation:
"You do solemnly swear that you as prosecuting attorney for and
behalf of the Nation, will, to the best of your skill and
ability prosecute all persons charged with criminal offenses
that may be brought before the court, and that you will not
take or receive any remnueration of any person charged
with any criminal offenses, but will be faitful to the
Sac and Fox Nation in all prosecutions to the best of
your ability, so belie you fod."

Sec. 56. There shall be a National Secretary, who shall be elected by the council for the term of two yeas, who shall be clerk of the Council a.d court and shall keep a record of all the proceedings of both the Council and court; and perform such

other duries that may be provided by law.

Sec. 57. There shall be a National Treasurer, who shall be elected by the Council for the tern of two years, he shall give bond, with sureties, for the faithful preservation and disbursement of all funds which may come into his possession the bond shall be in amount equal to double the amount of money likely to come into his possession, to be approved by the Principal Chief; and to perform such other duties that may be provided by law.

ARTICLE V.

Attorneus.

SEC, 58. Before any citizen shall be allowed to appear before the shall obtdin a license from the purpose of practicing at law he shall obtdin a license from the clerk thereof, and pay in advance the sum of five dollars to practice before the court and be required to take an oath that he will to the best of his knowledge and ability, support and defend all cases that may be entrusted

Sz. 59. Before any non-citizen shall be allowed to appear before the court of this Nation for the purpose of practicing at law he shall obtain a license from the clerk thereof, and pay in advance the sum of twenty dollars to practice before the court, and he required to take such an oath as is prescribed in

the above section.

Sec. 80. Any persons engaged in the practice of law agreeable to the provisions of this act, who shall be convicted before the court of bribing or otherwise influencing any person to keep from appearing at court or proving unfaithful to their duties and oaths, shall be subject to a fine of twenty-five dollars, and the revocation of their license.

All fines collected under the provisions of this act shall be paid into the treasury.

SEC. 61. The Assistant Principal Chief shall be the presiding officer over the National Council.

SEC. 62. All the foregoing acts to take effect and be in force from and after their approval by the Principal Chief.

Approved April 6th, A. D. 1885.

WITNESS.

I. A. TAYLOR. E. N. GATSE. UCQUAW HO KO, his X mark.

Principal Chief.

I certify that the foregoing is a correct copy of the Constitution and laws adopted by the Sac and Fox Constitutional Convention and the Sac and Fox National Council.

CHAS. KEOKUK, Secretary.

Sac and Fox Agency, I. T April 6th 1885.

EXTRACTS OF TREATY

B. tween the United States of America and the tribe of Sac and Fox Indians of the Mississipi, of Oct. 14, 1863, and yet anjulfilled, alluded to in the foregoing Constitution and Laws:

ARTICLE VI.

The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding seven hundred and fifty square miles in extent. The selection of such new reservation shall be made under the direction of the Secretary of the Interior, and with his approval, by commissioners appointed by the said Secretary, who shall visit the Indian country, with delegations from all tribes proposing to remove thereto, as soon as practicable after the ratification of this treaty; and said reservation shall be surveyed as to its exterior lines, at the cost of the United States, under the direction of the Commissioner of Indian Affairs, not to exceed three thousand dollars: Provided, That if it shall be found impracticable to select a suitable home for the tribe except by purchase from the Cherokees, the United States will pay toward the said purchase the same amount that would have been payable to the Creeks if the reservation had been selected upon the former Creek lands; and in that case the halance of money payable to the Cherokees shall be deducted from the amount due the Sacs and Foxes under this treaty.

ARTICLE VII.

As soon as practicable after the selection of the new reservation herein provided for, there shall be erected thereon, at the cost of the United States, a dwelling-house for the agent of the tribe, a house and shop for a blackemith, and dwelling-house for a physician, the aggregate cost of which shall not acceed ten thousand dollars; and also, at the expense of the tribe, five dwelling houses for the chiefs, to cost in all not more than five thousand bollars.

ARTICLE VIII.

No part of the invested funds of the tribe, or of any moneys which may be due to them under the provisions of previous ies, nor of any moneys provided to be paid to them by this treaty shall be used in payment of any claims against the tribe, accraing previous to the ra ification of this treaty, unless herein expressly provided for.

ARTICLE IX.

In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent. with the approval of the Commissioner of Indian Alexandre, and set apart for a manual-labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of ten thousand dollars for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of five thousand dollars shall be set apart from the income of their funds after the erection of such school-buildings, for the surport of the school; and after the settlement of the tribe upon their new reservation, the sum of five thousand dollars of the income of their funds may be annually used, under the direction of the chiefs, in the support of their anional government, out of which last mentioned amount the sum of five hundred dollars shall be annually paid to each of the chiefs.

ARTICLE XIV

The Sacs and Foxes, parties to this treaty, agree that the Sacs and Foxes of Vissouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a part of their people, upon their contributing to the common fund such a portion of their funds as will place them on equal footing in regard to annuities.

ARTICLE XV.

The emins of the Sas and Foxes against the United States for stealing of stocs, which have hererofore been adjusted, amounting to sixteen thousand four hundred dollars shall be paid by the United States, and the amount disbursed and expended for the hencit of the tribe in such objects for their improvement and e mfort upon the new reservation as the chiest through their agant shall desire; and whereas the Indians claim that one full payment due under previous treaty has never been made to them, it is agreed that a careful examination of the books of the Commissioner of Indian Affair, shall be made, and if any sum is found to be still due and unpaid, the same shall be paid to them per capital in the same namer as their annutives are paid.

ARTICL - XX

The Sacs and Foxes of the Missisippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren, and that no part of the funds arising from or due the nation under this or previous who do not permanently reside on the reservation set apart to them by Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed, that all money, accrning from this or former treaties, now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agenev on their lands as then located.

DPARTMENT OF THE INTERIOR,

Washington, April 19, 1887.

Moses Keokuk,

Had Chi f Sac and Fox Tribe of Indians.

Size. In regard to your suggestion that the Chiefs of your tribe be allowed to examine and report any irregularities in the management of the school, the Commissioner says that his office a will be glid to have them examine and report at any time, and any suggestions or recommendations made by them, will receive prompt attention." Of course your visits to the school must be subject to such regulations as to time, etc., as the Agent may prescribe so as not to interfere with proper discipline.

Very Respectfully.

II L. MULDROW,

DEPARTMENT OF THE INTERIOR, Washington, February 12, 1887.

The Commissioner of Indian Affairs

Star-The department is in receipt of your letter of Jan. 3, 1887, with enclosures on the subject of the proper action to be taken regarding certain funds due to the Sac and Fox Indians, under treaty of February 18, 1897, (15 Stat. 495) and requesting to be instructed on the following points:

1st. "Should Mokohoko's band be allowed to elect a Chief to fill Mokohoko's place in the Sac and Fox National Government, and to be paid \$500 per annun from the money in question?"

2nd. Does the clause in the treaty above referred to, which reads * *" out of which last mentioned mount the sum of five hundred dollars shall be annually paid to each of the Chiefe, entitle the Chief of the band in Iowa to such payment? in view of article 2 of same treaty.

3rd. "Shall the balance of this fund, \$5,000, which may be left each year, after payment of the Chiefs, be turned over to the National Treasurer, * * or be held by the Agent and used by him under direction of the Chiefs' in support of the National

The 9th article of the treaty as originally agreed upon protion that "the sum of five hundred dollars shall be annually paid to each of the five Chiefs," etc. But as amended by the Senate and finally adopted and ratified the clause bearing particularly

upon the first question reads as follows:

And after settlement of the tribe upon their new reservation the sum of five thousand dollars of the income of their funds may be annually used, under the directions of the Chiefs, in the support of their National Government, out of which last matter and amount the sum of five hundred dollars shall be anused to such of the Chiefs."

The treaty therefore does not specify the number of Chiefs to whom the payment shall be made. It is the policy of the Government to encourage the gradual abolition of the tribal system and to promote among the Indians such measures as will facilitate the incorporation of the race into our political and social

system as citizens.

The present Agent of these Indians in a reply, of December

23, 1886, to your office on this subject says:

*Relative to recognizing a salaried Chief from the Mokohoko band, I do not think it advisable for this reason: Should they be allowed a Chief would select 'Pahshepawho.' A person more nosuitable could not be found in America, for he is stubborn, lawy and exceedingly dull, and besides I do not believe in adding to the number of Chiefs at present, but the band should have voice in the National Council just as soon as they request it."

The Department used not enter in the consideration at this time of the question whether there shall be four or whether there shall be five. Chiefs of the tribe or whether this band or the other band shall be entitled to a salaried Chief, its main duty in the premises is to ascertain who are the Chiefs recognized as such by the tribe, and to pay annually to each of the recognized Chiefs of the tribe settled on the new reservation in the Indian Territory, the sam of five hundred dollars as specified

in the treaty.

The foregoing answers also the second of the series of above questions propounded by you. The point raised in that question however, was fully covered by Department letter of June 1st.

1886, from which the following quotation is made:

"To what extent then are the Sacs and Foxes living in the State of Iowa excepted from the obligation of the treaty? Simply this: Their right to remain in Iowa is recognized without forfeiting their right to share in the common fund. No band or parts of bands who do not reside on the reservation shall be paid any part of said fund, except those living in the State of Iowa This is the sole exception in their favor; but they are equally bound by the treaty stipulation, providing that from the common fund shall be deducted the amounts specified for the support of the school and the National Government. If it was not intended that the sum so provided to be set apart annually from the income of their funds should be deducted from the common fund before distribution, why not have said, that there shall be apportioned among the Sacs and Foxes of Mississippi their proportion of the amount appropriated by this act, and from the amount, so apportioned and due to the Sacs and Foxes living on the reservation, there shall be see apart the sum of \$5,900 for the support of the school and \$5,000 for the support of the Government But if there is any question as to the construction of this treaty in reference to the proper disposition of this fund, the act of 1885, (23 Stat. 373) making appropriation for the Sacs and Foxes of the Mississippi, removes all doubt. That act appropriates \$51,000 for the said Indians, and provides that the sum of \$1,500 shall be used for pay of a physician, and medicine for the use of said Indians. It also provides that "hereafter the Sacs and Foxes of Iowa shall have apportioned to them from appropriations for fulfilling the stipulations of said treaties, their per capital proportion: of the amount appropriated in this act, subject to provision of treaties with said tribes, that this shall apply only to the (original) Sacs and Foxes now

in Iowa. * * * *

What are the provisions of the treaty to which their apportionment is subject? Clearly, the specific charge of \$10,000 which by the treaty was provided to be set apert from the income of their finals. A careful examination of the treaty fails to show that the income to be paid annually to these Indians is subject to any other provision. I think if therefore plain, that the sum of \$10,000 should be deducted from the \$51,000 appropriated, before the per capital distribution is made to the several hands."

Considering now the third question, the Azent reports that the National Theas rerifs a young mun of fair education, good business qualifications, and in every manner fully competent to perform the duties of the office. He is under six thousand (89,000) dollars bond, and the Agent thinks the balance, \$3,000 of the fund, for the National Government of the tribe, left after making the payments to the Chiefs, should be turned over to him.

Moses Keokuk, the Principal Chief, asks in telegram which accompanies the papers that the Agent be instructed "to turn

our National funds over to our Treasurer."

The tribe has adopted a Constitution, which is with the papers and have organized a National Government thereunder.

In Section 1, Article 2 of the Constitution, it is provided that "the powers of this Government shall be divided into three distinct departments, the Legislative, the Executive and the Indicial." In article 4 provision is made in sections 18 to 22 inclusive, for the choosing of a Treasurer by the National Concil for the term of two years, prescribing the hond for the fuithful discharge of his trust, the manner in which money shall be drawn from the Treasurer, which is required to be hy warrant from the Principal Chief and in consequence of appropriations made by law; also prescribing the manner of accountability for receipts and expenditures and specifying the time which shall constitute the fiscal very of the Nation.

The money which the tribe desires shall be turned over to their National Treasurer is dedicated by the treaty "to be annually used under the direction of the Chief's, in support of their National Government." The treaty seems to contemplate just

what the tribe desire and request may be done.

Though there may be misgivings that the money may not be used for and applied to proper and legitimate objects and purposes, the tribe should be encouraged after having proceeded so far in the inauguration of their National Government provided for under the treaty, to take all proper steps necessary to put it into full operation.

It cannot be reasonaly expected that they will learn and exerise the principles and measures of self-government that regulate civilized communities, unless they are permitted to assume the duties and responsibilities which necessarily lead thereto.

No more can it be expected that the conduct of their national uffairs will not be attended, to some extent, with failures, and consequent embarrassments, but experience will no doubt guide them into better methods of management of their goverument.

The money will therefore for this time at least, be paid over to the National Treasurer of the tribe as requested.

Very Respectfully,

L. Q. C. LAMAR, Secretary.

















